IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Raj Abhyanker, et al.	Examiner: Daniel L. Greene
Serial No.:	09/774,449	Group Art Unit: 3694
Filed:	January 30, 2001	Docket No.: 10005056-1
Title:	System and Method for Consolidating Financing in an Internet Exchange Portal	

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Office Action mailed March 1, 2007, the Notice of Appeal mailed June 1, 2007, and the Notice of Non-Compliant Appeal Brief mailed October 30, 2007.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals, judicial proceedings, or interferences known to appellant, the appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Appeal Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-6, 9-14, and 17-22 are pending and stand finally rejected. Claims 7-8, 15-16, and 23-24 have been canceled. The rejection of claims 1-6, 9-14, and 17-22 is appealed.

IV. STATUS OF AMENDMENTS

No amendments were made after receipt of the Final Office Action. All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element or that these are the sole sources in the specification supporting the claim features.

The present invention is a system and method for consolidating financing in an internet exchange portal. The method of the present invention includes the steps of receiving a set of financing applications at the internet exchange portal, generating a generic financing application from the set of applications, receiving data for the generic financing application, and populating the set of financing applications with the data. (See Summary of the Invention, page 4, lines 3-7).

The system and method of the present invention are particularly advantageous over the prior art because a trading internet exchange portal is combined with potential revenue streams from financing revenue flows. The present invention also simplifies steps by which buyers need to go through to obtain financing credit through a Business to Business internet exchange portal, by requiring buyers to only fill out one credit form rather than multiple ones to obtain "financing/flooring" lines that can be used to transact through an internet exchange portal. The present invention permits buyers to manage credit lines and use credit to pay for exchange purchases from within the internet exchange portal rather than access an external portal, thereby simplifying purchase through the portal. (See Summary of the Invention, page 4, line 19 – p. 5, line 4).

Claim 1

A method for consolidating financing in an internet exchange portal (p. 7, lines 3-5), comprising the steps of:

receiving at the internet exchange portal a set of financing applications at the internet exchange portal (Figure 3, #304; p. 8, lines 1-5);

generating at the internet exchange portal a generic financing application from the set of applications (Figure 3, #306; p. 8, lines 6-13);

receiving data for the generic financing application (Figure 3, #310; p. 8, lines 19-22); and

populating the set of financing applications with the data (Figure 3, #312; p. 8, lines 2-23).

Claim 2

The method of claim 1, wherein:

the receiving step includes the step of receiving a set of financing applications each including a set of data fields (p. 4, lines 8-10; p. 8, lines 6-10); and

the generating step includes the step of consolidating similar sets of data fields in each financing application into a generic data field in the generic financing application (p. 4, lines 8-10; p. 8, lines 6-10).

Claim 9

A computer-usable medium embodying computer program code for causing a computer to consolidate financing in an internet exchange portal (p. 7, lines 3-5), comprising the steps of:

receiving a set of financing applications at the internet exchange portal (Figure 3, #304; p. 8, lines 1-5);

generating at the internet exchange portal a generic financing application from the set of applications (Figure 3, #306; p. 8, lines 6-13);

receiving at the internet exchange portal data for the generic financing application (Figure 3, #310; p. 8, lines 19-22); and

populating the set of financing applications with the data (Figure 3, #312: p. 8, lines 2-23).

Claim 10

The computer-usable medium of claim 9, wherein:

the receiving step includes the step of receiving a set of financing applications each including a set of data fields (p. 4, lines 8-10; p. 8, lines 6-10); and

the generating step includes the step of consolidating similar sets of data fields in each financing application into a generic data field in the generic financing application (p. 4, lines 8-10; p. 8, lines 6-10).

Claim 17

A system for consolidating financing in an internet exchange portal (p. 7, lines 3-5), comprising:

means (Figure 2, #202) for receiving a set of financing applications at the internet exchange portal (Figure 3, #304: p. 8, lines 1-5);

means (Figure 2, #202) for generating at the internet exchange portal a generic financing application from the set of applications (Figure 3, #306: p. 8, lines 6-13);

means (Figure 2, #202) for receiving at the internet exchange portal data for the generic financing application (Figure 3, #310: p. 8, lines 19-22); and

means (Figure 2, #202) for populating the set of financing applications with the data (Figure 3, #312: p. 8, lines 2-23).

Claim 18

The system of claim 17, wherein:

the means for receiving a set includes means for receiving a set of financing applications each including a set of data fields (p. 4, lines 8-10; p. 8, lines 6-10); and

the means for generating includes means for consolidating similar sets of data fields in each financing application into a generic data field in the generic financing application (p. 4, lines 8-10; p. 8, lines 6-10).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-2, 9-10, and 17-18 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,589,290 (Maxwell).

Claims 3-6, 11-14, and 19-22 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,589,290 (Maxwell) in view of USPN 6,208,979 (Sinclair).

VII. ARGUMENT

The rejection of claims 1-6, 9-14, and 17-22 is improper, and Applicants respectfully request reversal of these rejections.

The claims do not stand or fall together. Instead, Applicants present separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii).

Claim Rejections: 35 USC § 103(a)

Claims 1-2, 9-10, and 17-18 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,589,290 (Maxwell). For at least the following reasons, Applicants assert that the rejection does not satisfy these criteria.

Overview of Maxwell

Applicants provide an overview of Maxwell as a precursor to an analysis of Maxwell and the claims.

Maxwell teaches a method and apparatus for populating a form with data previously input from a user (9: 21-22). Initially, a user is presented with a data collection form (9: 50-51). The user enters data into this form, and the data is stored in a storage medium (9: 52-53). This data is used to populate other forms that the user encounters over the internet (9: 54-56). Specifically, a user can navigate to an internet site, obtain a form at this site, and use the data stored in the storage medium to populate the form from the internet (9: 29-36). In order to complete the form at the internet site, the user manually drags graphical representations (icons) to the form (10: 30-35). Each icon represents part of the information that the user previously entered into the data collection form (10: 59 -11: 23).

<u>All Claim Elements Not Taught/Suggested</u>

Each of the independent claims recites one or more elements that are not taught or suggested in Maxwell. **These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great.** As such, the pending claims are <u>not</u> a predictable variation of the art to one of ordinary skill in the art.

By way of example, independent claims 1, 9, and 17 recite receiving a set of financial applications at an internet exchange portal. These claims then recite "generating a generic financing application from the set of applications." Maxwell does not teach or suggest these recitations. The Office Action cites Maxwell at column 8, lines 13-26 for allegedly teaching these recitations. Applicants respectfully disagree.

Column 8, lines 13-26 in Maxwell teaches how a user enters data into a data collection form. As noted in the overview of Maxwell, a user is initially presented with a data collection form (9: 50-51). The user enters data into this form, and the data is stored in a storage medium (9: 52-53). This data is used to populate other forms that the user encounters over the internet (9: 54-56). Nowhere does Maxwell teach or suggest "generating a generic financing application from the set of applications."

First, Maxwell stores the data in a storage medium. Maxwell never states or even suggests that this storage medium is a "generic application." In other words, Maxwell never states or suggests that the data generates a "generic application." Again, Maxwell stores this data and creates icons (see 11: 1-23). Storing data and creating icons is not "generating a generic application."

For at least these reasons, independent claims 1, 9, and 17 and their dependent claims are allowable over Maxwell.

Second, the claims recite that the generic application is generated **from a set of applications.** In other words, a "set of applications" generates the generic application. By complete contrast, Maxwell never uses a set of applications to generate another application. Maxwell uses data entered into a data collection form to create icons. These icons are used to populate subsequent forms that a user encounters on the internet. Where is the <u>set of applications</u> in Maxwell that generates another application? They do not exist. Again, nowhere does Maxwell teach or even suggest whatsoever that a set of applications is used to generate a generic application. In Maxwell, a user manually drags

icons into a form to populate the form. **The form in Maxwell is not generated from a set of applications, but generated from a user dragging icons into the form.**

For at least these reasons, independent claims 1, 9, and 17 and their dependent claims are allowable over Maxwell.

Third, the claims recite that an internet exchange portal generates a generic financing application. By contrast, Maxwell teaches that a user (not an internet exchange portal) enters data into a data collection form to generate graphical icons. Maxwell does not teach or suggest that an internet exchange portal itself generates a generic financing application.

For at least these reasons, independent claims 1, 9, and 17 and their dependent claims are allowable over Maxwell.

Dependent Claims 2, 10, 18

Dependent claims 2, 10, and 18 recite receiving a set of financial applications and then consolidating similar sets of data fields in each financing application into a generic data field in the generic financing application. Maxwell does not teach or suggest these elements.

Nowhere does Maxwell teach or suggest receiving financial applications and then consolidating similar fields of these financial applications into a generic data field in the financial application. By contrast in Maxwell, the user enters data into a collection form ("the data collection interface collects a data set via a data collection form" see Maxwell at 9: 50-53). This user data is then associated with a graphical icon (see Maxwell at 9: 62-67). Later, when a user is prompted to enter personal information into a form, the user drags the icon into the form (see Maxwell at 30-35).

First, in Maxwell the user never receives financial applications. Second, fields of a form are not consolidated in Maxwell (instead a user drags an icon into a form). Third, in Maxwell fields are not consolidated into a generic data field in the financial application instead a user drags an icon into a form).

For at least these additional reasons, dependent claims 2, 10, and 18 are allowable over Maxwell.

<u>Response to Examiner's Arguments</u>

The Examiner makes numerous arguments. Applicants respond to some of these arguments.

First, the Examiner argues that the claimed term "financing" is non-functional descriptive matter (see Final OA at p. 3). Applicants respectfully ask the Board of Appeal to provide weight to each word recited in the claims. The Examiner is ignoring words actually appearing in a claim.

Second, the Examiner makes the following argument:

> For arguments sake, even if Maxwell did not specify an internet exchange portal was where the receiving and generating was taking place, the imitation [sic] "at the internet exchange portal" does not define over the art of record as there is no patentability merely in changing where the functions are performed as the same result is accomplished. (See Final OA at p. 3).

Again, the Examiner is ignoring recitations expressly recited in the claims. The citation to *In re Dulberg* is not related to the present issues. The Examine is using *In re Dulberg* as a way to ignore recitations in a claim. The Examiner has misconstrued the teachings in this case. Applicants respectfully ask the Board of Appeals to weigh all words actually recited in the claims.

Claim Rejections: 35 USC § 103(a)

Claims 3-6, 11-14, and 19-22 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,589,290 (Maxwell) in view of USPN 6,208,979 (Sinclair). As noted in section V, Maxwell fails to teach or suggest all the elements of the independent claims. Sinclair fails to cure the deficiencies of Maxwell. Thus, for at least the reasons given above in connection with the independent claims, the respective dependent claims are allowable over Maxwell and Sinclair.

CONCLUSION

In view of the above, Applicants respectfully request the Board of Appeals to reverse the Examiner's rejection of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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VIII. Claims Appendix

1. A method for consolidating financing in an internet exchange portal, comprising the steps of:

    receiving at the internet exchange portal a set of financing applications at the internet exchange portal;

    generating at the internet exchange portal a generic financing application from the set of applications;

    receiving data for the generic financing application; and

    populating the set of financing applications with the data.

2. The method of claim 1, wherein:

    the receiving step includes the step of receiving a set of financing applications each including a set of data fields; and

    the generating step includes the step of consolidating similar sets of data fields in each financing application into a generic data field in the generic financing application.

3. The method of claim 1, wherein:

    the receiving step includes the step of receiving a set of financing applications from a corresponding set of lenders; and

    the receiving data step includes the step of receiving data from a buyer.

4. The method of claim 3 further comprising the steps of:

    transmitting the set of financing application to the lenders; and

    receiving a set of financing responses from the lenders including credit available to the buyer for purchasing goods within the internet exchange portal.

5. The method of claim 4 further comprising the steps of:

    receiving from the buyer an offer to purchase goods from the seller over the portal;

    receiving from a seller an acceptance of the offer; and

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instructing the set of lenders to provide an amount of credit to the buyer as consideration for the goods.

6. The method of claim 5 wherein the instructing step includes the step of:

instructing the set of lenders to provide an amount of flooring to the buyer.

7. – 8. (canceled)

9. A computer-usable medium embodying computer program code for causing a computer to consolidate financing in an internet exchange portal, comprising the steps of:

receiving a set of financing applications at the internet exchange portal;

generating at the internet exchange portal a generic financing application from the set of applications;

receiving at the internet exchange portal data for the generic financing application; and

populating the set of financing applications with the data.

10. The computer-usable medium of claim 9, wherein:

the receiving step includes the step of receiving a set of financing applications each including a set of data fields; and

the generating step includes the step of consolidating similar sets of data fields in each financing application into a generic data field in the generic financing application.

11. The computer-usable medium of claim 9, wherein:

the receiving step includes the step of receiving a set of financing applications from a corresponding set of lenders; and

the receiving data step includes the step of receiving data from a buyer.

12. The computer-usable medium of claim 11 further comprising the steps of:

transmitting the set of financing application to the lenders; and

receiving a set of financing responses from the lenders including credit available to the buyer for purchasing goods within the internet exchange portal.

13. The computer-usable medium of claim 12 further comprising the steps of:

receiving from the buyer an offer to purchase goods from the seller over the portal;

receiving from a seller an acceptance of the offer; and

instructing the set of lenders to provide an amount of credit to the buyer as consideration for the goods.

14. The computer-usable medium of claim 13 wherein the instructing step includes the step of:

instructing the set of lenders to provide an amount of flooring to the buyer.

15. -- 16. (canceled)

17. A system for consolidating financing in an internet exchange portal, comprising:

means for receiving a set of financing applications at the internet exchange portal;

means for generating at the internet exchange portal a generic financing application from the set of applications;

means for receiving at the internet exchange portal data for the generic financing application; and

means for populating the set of financing applications with the data.

18. The system of claim 17, wherein:

the means for receiving a set includes means for receiving a set of financing applications each including a set of data fields; and

the means for generating includes means for consolidating similar sets of data fields in each financing application into a generic data field in the generic financing application.

19. The system of claim 17, wherein:

the means for receiving a set includes means for receiving a set of financing applications from a corresponding set of lenders; and

the means for receiving data includes means for receiving data from a buyer.

20. The system of claim 19 further comprising:

means for transmitting the set of financing application to the lenders; and

means for receiving a set of financing responses from the lenders including credit available to the buyer for purchasing goods within the internet exchange portal.

21. The system of claim 20 further comprising:

means for receiving from the buyer an offer to purchase goods from the seller over the portal;

means for receiving from a seller an acceptance of the offer; and

means for instructing the set of lenders to provide an amount of credit to the buyer as consideration for the goods.

22. The system of claim 21 wherein the means for instructing includes:

means for instructing the set of lenders to provide an amount of flooring to the buyer.

23. – 24. (canceled)

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.